LABEL, IN PART: "Thompson's Standardized Amino Acids dl-Methionine * * * Each tablet contains 7.7 grains (0.5 grams) of dl-Methionine" and "Thompson's * * * Vitamin P with Vitamin C * * * Three Tablets daily supply 600 mg. of Lemon Peel Infusion Dried and 30 mg. of Ascorbic Acid."

NATURE OF CHARGE: *Methionine tablets.* Misbranding, Section 502 (a), a statement in a leaflet entitled "Scientific Comment from the Research Laboratories Wm. T. Thompson Co. Methionine" which accompanied the article was false and misleading. This statement represented and suggested that there are disease conditions in humans caused by a deficiency of methionine, and that the article was effective in the treatment of subcortical hemorrhagic necrosis of the kidneys and decreased resistance to virus diseases. They are no known disease conditions of humans caused by a deficiency of methionine, and the article was not effective in the treatment of the diseases and conditions mentioned.

Vitamin P and C tablets. Misbranding, Section 502 (a), certain statements in an accompanying booklet entitled "Thompson's Vitamin Chart" and in an accompanying leaflet entitled "Scientific Comment from the Research Laboratories Wm. T. Thompson Co. Vitamin P" were false and misleading. These statements represented and suggested that apoplexy is due to a deficiency of vitamin P, and that vitamin P is an effective treatment for vascular purpura, psoriasis, and increased capillary fragility in hypertension, retinitis, and nephritis. Apoplexy is not due to a deficiency of vitamin P, and vitamin P is not an effective treatment for the conditions mentioned.

DISPOSITION: November 25, 1949. Default decree of condemnation and destruction.

3000. Misbranding of Magnetic Ray (device). U. S. v. 3 Devices * * *. (F. D. C. No. 27006. Sample Nos. 55126-K, 55127-K.)

LIBEL FILED: April 21, 1949, Western District of Oklahoma.

ALLEGED SHIPMENT: On or about November 18, 1948, by Frank Moran, from Dallas, Tex.

PRODUCT: 3 *Magnetic Ray* devices at Oklahoma City, Okla., together with a number of circulars entitled "Magnetic Ray Treatment," "Directions for taking Magnetic Ray Treatments," and "Magnetic Ray Company."

Mrs. Anna Mae Frances, who was the consignee of the devices, caused to be printed locally the circular entitled "Magnetic Ray Company." The other circulars were shipped to the consignee by Frank Moran.

Examination showed that the device consisted essentially of a coil of wire enclosed in a covering of imitation leather and made in the form of a belt. Attached to the device was an electric cord which was to be plugged into an ordinary lighting current outlet.

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements in the circulars accompanying the devices were false and misleading. The statements represented and suggested that the device was effective in the treatment of arthritis, asthma, anemia, bronchitis, bladder trouble, Bright's disease, colds, catarrhal deafness, catarrh, constipation, diabetes, eczema, epilepsy, goiter, headaches, hemorrhoids, heart diseases, high blood pressure, indigestion, insomnia, impotency, low blood pressure, lumbago, painful menstruation, neuralgia, neuritis, nervous troubles, obesity, paralysis, rheumatism, sciatica, tumors, tuberculosis, varicose veins, ulcers, and sinus trouble; that the device

would increase the elimination of poisons and assist in the removal of toxic conditions; that it would promote and equalize circulation of the blood and relieve congestion in every part of the body; that it would be effective in the relief of pain and other distressing physical sensations; that it would produce marked relaxation and promote sound and refreshing sleep; that it would stimulate a normal functioning of the various glands and other organs of the body; that it would overcome fatigue, increase efficiency both physical and mental, and exert a revitalizing influence upon the sexual or procreative glands; and that it would clear the complexion. The device would not be effective for the purposes represented.

The device was misbranded when introduced into, while in, and while held for sale after shipment in, interstate commerce.

DISPOSITION: Mr. J. E. Frances appeared as claimant for one of the devices and denied that the device was misbranded. No claimant appeared for the other devices involved in the action. A motion for summary judgment was filed on behalf of the Government, and on January 18, 1950, the motion was sustained. The court found that the devices and the labeling in the instant action were identical with the devices and labeling involved in the cases reported in notices of judgment on drugs and devices., Nos. 518 and 1339. Consequently, the court found that the issue of misbranding was res judicata and that the devices involved in the instant action were articles that had theretofore been adjudged to be misbranded. Accordingly, judgment of condemnation was entered, and the court ordered that the devices and the labeling be destroyed.

INDEX TO NOTICES OF JUDGMENT D. D. N. J. NOS. 2991 TO 3000

PRODUCTS

FEDERAL SECURITY AGENCY

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

[Given pursuant to section 705 of the Food, Drug, and Cosmetic Act]

3001–3020

DRUGS AND DEVICES

The cases reported herewith were instituted in the United States district courts by the United States attorneys, acting upon reports submitted by the Federal Security Agency. Published by direction of the Federal Security Administrator.

PAUL B. DUNBAR, *Commissioner of Food and Drugs.*

WASHINGTON, D. C., *June 8, 1950.*

CONTENTS*

*For presence of a habit-forming narcotic without warning statement, see No. 3002; contamination with filth, No. 3003; omission of, or unsatisfactory, ingredients statements, Nos. 3001, 3002; failure to bear a label containing an accurate statement of the quantity of the contents, Nos. 3001, 3002; failure to bear a label containing the name and place of business of the manufacturer, packer, or distributor, Nos. 3001, 3002.

DRUGS ACTIONABLE BECAUSE OF FAILURE TO BEAR ADEQUATE DIRECTIONS OR WARNING STATEMENTS

3001. Misbranding of amphetamine hydrochloride tablets. U. S. v. Charles R. Wirth (Wirth Drug Store). Plea of nolo contendere. Fine, $300; defendant placed on probation for 1 year. (F. D. C. No. 28098. Sample Nos. 22021–K, 23668–K, 23987–K, 53665–K.)

INFORMATION FILED: November 15, 1949, Eastern District of Louisiana, against Charles R. Wirth, trading as the Wirth Drug Store, New Orleans, La.

INTERSTATE SHIPMENT: Between the approximate dates of November 29, 1948, and January 19, 1949, from Chicago, Ill.

ALLEGED VIOLATION: On or about March 8 and April 4 and 6, 1949, and while a number of *amphetamine hydrochloride tablets* were being held for sale after shipment in interstate commerce, the defendant caused a number of the tablets to be repackaged and sold to various persons, which acts of the defendant resulted in the repackaged *amphetamine hydrochloride tablets* being misbranded. Each container of the repackaged tablets was unlabeled.

NATURE OF CHARGE: Misbranding, Sections 502 (b) (1) and (2), the containers of the repackaged *amphetamine hydrochloride tablets* bore no label containing the name and place of business of the manufacturer, packer, or distributor, and a statement of the quantity of the contents; Section 502 (e) (1), the containers bore no label containing the common or usual name of the tablets, namely, "Amphetamine Hydrochloride"; and, Section 502 (f) (2), the containers bore no labeling containing warnings against use of the tablets in those pathological conditions where their use may be dangerous to health, and against unsafe dosage and methods and duration of administration.

DISPOSITION: February 1, 1950. A plea of nolo contendere having been entered, the court imposed a fine of $100 on each of the first three counts of the information, suspended the imposition of sentence on count four, and placed the defendant on probation for 1 year.

3002. Misbranding of Benadryl capsules, sulfathiazole lozenges, and phenobarbital tablets. U. S. v. Argus Chaffin (West End Drug Store), and Cleo Wear. Pleas of nolo contendere. Defendants placed on probation for 1 year. (F. D. C. No. 26712. Sample Nos. 27036–K, 27045–K, 27049–K.)

INFORMATION FILED: June 21, 1949, Western District of Arkansas, against Argus Chaffin, trading as the West End Drug Store, Fort Smith, Ark., and Cleo Wear, a pharmacist.

INTERSTATE SHIPMENT: On or about October 3, 1947, and May 7 and October 4, 1948, from the States of Missouri and Indiana into the State of Arkansas.

LABEL, WHEN SHIPPED: "Kapseals Benadryl Hydrochloride [or "Lozenges Sulfathiazole" or "Phenobarbital Tablets"] * * * Caution: To be dispensed only by or on the prescription of a physician."

ALLEGED VIOLATION: On or about August 31, September 27, and October 4, 1948, while the drugs were being held for sale after shipment in interstate commerce, the defendants caused certain quantities of the drugs to be removed from the bottles in which they had been shipped and to be repacked and sold without a prescription, which acts of the defendants resulted in the repackaged drugs being misbranded. The repackaged *Benadryl capsules* were unlabeled. The other repackaged drugs were labeled "Sulfathiazole Lozenges" and "Phenobarbital ½ Gr."